

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STANTON STORY,)	
)	
Plaintiff,)	Civil Action No. 15-1241
)	Chief Magistrate Judge Maureen P. Kelly
v.)	
)	
JOHN E. WETZEL, DORINA VARNER,)	
KERRI MOORE, ROBIN M. LEWIS, L.S.)	
KERNS, BARR, ROBERT GILMORE,)	
TRACEY SHAWLEY, IRMA VIHLLIDAL,)	
DR. BYUNGHAK JIN, CAPTAIN)	
ARMSTRONG, CAPTAIN MITCHELL, LT.)	
KELLY, LT. SILBAUGH, LT. HOWELLS,)	
LT. A.J. MORRIS, LT. GREGO, C.O.)	
JOHNSON, C.O. BARNHART, C.O.)	
SCHIRRA, SARGENT PLUMLEY,)	
SARGENT TROUT, and NURSE JANE)	Re: ECF No. 135
DOE,)	
)	
Defendants.)	

MEMORANDUM ORDER

Presently before the Court is Plaintiff's Motion for Sanctions in which he asks that sanctions be imposed against Defendants for failing to comply with this Court's Case Management Order issued on June 8, 2017, in which the Court directed that discovery was due by September 7, 2017, and for failing to provide Plaintiff with "total discovery" in this matter. For the following reasons, Plaintiff's Motion will be denied.

With respect to the DOC Defendants, the record shows that they responded to Plaintiff's discovery requests on August 4, 2017. ECF No. 130-1. Although Plaintiff was dissatisfied with the responses he received and subsequently filed a Motion to Compel Production of Documents, ECF No. 127, the Court found that Defendants' responses were entirely appropriate and denied the Motion. ECF No. 131. Plaintiff therefore received all of the documents to which he is

entitled. Moreover, Plaintiff's Motion to Compel Production of Documents and his objections to the discovery responses he received revolved around requests Nos. 1-9, none of which pertained to Defendant Johnson II and Plaintiff did not otherwise complain that Johnson II failed to answer the interrogatories directed to him. ECF No. 128.

With respect to Defendant Dr. Jin, the record shows not only that Dr. Jin did not receive Plaintiff's requests for the production of documents but that the requests at issue pertained to information in the possession of the DOC and not Dr. Jin. ECF Nos. 140 ¶ 5; 140-2 at 3-4. Further, counsel for Dr. Jin has represented that he did not receive Plaintiff's June 2017 interrogatories until he obtained them from counsel for the DOC on October 12, 2017. Dr. Jin has since responded to the interrogatories. Indeed, the record shows that he did so on the same date he received them. ECF No. 140-3. Under these circumstances, the Court finds that sanctions are not warranted. See Fed. R. Civ. P. 30(b).

Accordingly, the following Order is entered:

ORDER

AND NOW, this 17th day of October, 2017, upon consideration of Plaintiff's Motion for Sanctions, ECF No. 135, and Defendant Dr. Jin's Response thereto, ECF No. 140, IT IS HEREBY ORDERED that the Motion is DENIED.

BY THE COURT:

/s/ Maureen P. Kelly _____
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Stanton Story
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All counsel of record via CM/ECF